



## FOR CLERK USE ONLY

City Council

Item No. \_\_\_\_\_

# CITY COUNCIL AGENDA FACT SHEET

ADMINISTRATION

Department

October 27, 2009

Requested Date

## 1. Request:

Council Approval

☒Information Only/  
Presentation☐

Other (specify)

☐

Hearing

☐

## 2. Requested Action:

Consider Resolution. If appropriate adopt resolution.

## 3. Fiscal Impact:

Revenue:

Increase

☒

Source: \_\_\_\_\_

Decrease

☐

Amount: \$ \_\_\_\_\_

Cost:

Increase

☐

Source: \_\_\_\_\_

Decrease

☐

Amount: \$ \_\_\_\_\_

Does Not Apply ☒

## 4. Reviewed By:

Finance Dept. on

\_\_\_\_\_

By: \_\_\_\_\_

Comments:

City Attorney on

\_\_\_\_\_

By: \_\_\_\_\_

Comments:

**Note: Back up must be submitted along with this form. Deadline is 5:00 p.m., 2 Fridays before the scheduled meeting date.**

## CLERK USE ONLY:

CITY COUNCIL DATE: \_\_\_\_\_

Action

☐

Filing

☐

Consent

☐

Presentation

☐

Hearing

☐

Other(specify)

☐

\_\_\_\_\_

Reviewed by: City Clerk \_\_\_\_\_

City Manager \_\_\_\_\_

Date

\_\_\_\_\_

Date

\_\_\_\_\_

**CITY COUNCIL  
AGENDA REPORT**

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, SUPPORTING FUNDING OF THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006.**

**AGENDA DATE:** October 27, 2009

**PREPARED BY:** Jennifer Lyon, City Attorney (at the request of Councilmember Fuentes)

**APPROVED FOR AGENDA BY:** City Manager, Victor Carrillo

**RECOMMENDATION:** Consider Resolution.

**BACKGROUND INFORMATION (Prior action/information):** There is an estimated 686,500 registered sex offenders in the United States. In 2006, President Bush signed the Adam Walsh Child Protection and Safety Act of 2006, which contains provisions to establish a comprehensive, national system for registration of sex offenders and offenders against children. States must supply information regarding the residence and work locations of registered sex offenders to the government for inclusion in this national database. The City of Calexico believes that protection of children from known sex offender should be a top priority for both the state and federal governments.

**DISCUSSION:** Currently, the federal government does not provide sufficient funding to reimburse the states for implementation of the requirements of the Act. No state has yet been able to comply with the Act's provisions, and the U.S. Attorney General's office has extended the deadline for compliance to July 2010. California's Sex Offender Management Board recommends that state not comply with this act because it is an unfunded mandate; however, should California fail to comply, the state will lose up to 10% of its funding from the Byrne Justice Assistant Grant. This resolution expresses the City's support for state compliance with the Adam Walsh Child Safety and Protection Act with the request that the federal government provide funds to help states implement it.

Attachment: Draft Resolution

**RESOLUTION NO. 2009-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO  
SUPPORTING FUNDING OF THE ADAM WALSH CHILD PROTECTION AND  
SAFETY ACT OF 2006**

**WHEREAS**, according to the National Center for Missing and Exploited Children, over 686,500 people are registered as sex offenders in the United States; and

**WHEREAS**, under the guidelines created by the Adam Walsh Child Protection and Safety Act of 2006 ("Act"), states and other jurisdictions must feed a national Internet database with information about where the nation's registered sex offenders live and work; and

**WHEREAS**, the federal government does not provide sufficient funding to reimburse states for implementation of the Act; and

**WHEREAS**, a state that fails to implement the Act faces the loss of 10 percent of their Byrne Justice Assistance Grant, which in the State of California will be a potential loss of \$2,100,000; and

**WHEREAS**, since no state has yet been able to fund implementation of the Act, the United States Attorney General extended the deadline for states to comply with Act to July 2010; and

**WHEREAS**, the California Sex Offender Management Board has urged the state to not comply with the Act because it will involve "substantial and unreimbursed costs" that exceed the penalty imposed by the federal government.

**NOW, THEREFORE**, the City Council of the City of Calexico does hereby resolve as follows:

- 1) The protection of children from known sex offenders should be a top funding priority of both the state and federal government. The City of Calexico urges the State of California to fully comply with the provisions of the Adam Walsh Child Protection and Safety Act of 1996, and that the federal government to provide additional funding to states to help implement the Act.
- 2) The City Clerk is directed to forward a copy of this Resolution to the Governor, each state legislator, to the members of the California Congressional delegation, to the Speaker and the Clerk of the United States House of Representatives, and to the President Pro Tempore and Secretary of the United States Senate.

**PASSED, APPROVED, AND ADOPTED** at the regular meeting of the City Council of the City of Calexico this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
DAVID OUZAN, MAYOR

ATTEST:

LOURDES CORDOVA, CITY CLERK

APPROVED AS TO FORM:

JENNIFER M. LYON, CITY ATTORNEY

STATE OF CALIFORNIA    )  
COUNTY OF IMPERIAL    ) SS.  
CITY OF CALEXICO        )

I, LOURDES CORDOVA, CITY CLERK OF THE CITY OF CALEXICO, DO HEREBY CERTIFY THAT THE ABOVE FOREGOING RESOLUTION NO. 2009-\_\_\_\_ WAS DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CALEXICO ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009 BY THE FOLLOWING VOTE, TO WIT:

AYES:  
NOES:  
ABSENT:

LOURDES CORDOVA, CITY CLERK